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Liaison Counsel for Wholesaler Defendants

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

**IN RE: VALSARTAN LOSARTAN,
AND IRBESARTAN PRODUCTS
LIABILITY LITIGATION**

MDL No. 2875

**Honorable Robert B. Kugler,
District Judge**

This Documents Relates to All Actions

**NOTICE OF MOTION REGARDING WHOLESALER DEFENDANTS'
OBJECTIONS TO AND MOTION TO MODIFY SPECIAL MASTER
ORDER NO. 82 PURSUANT TO FED. R. CIV. P. 53(f)**

PLEASE TAKE NOTICE that on October 2, 2023, or as soon as counsel may be heard, AmerisourceBergen Corporation, Cardinal Health, Inc., and McKesson Corporation (collectively, "Wholesaler Defendants"), by and through undersigned counsel, shall move for the entry of an Order sustaining their objections to and modifying Special Master Order No. 82 (ECF No. 2469), entered on August 11, 2023. In this motion, Wholesaler Defendants respectfully object to Special Master Order No. 82 disallowing the Wholesaler Defendants' request that the Plaintiff Third-Party Payor ("TPP") Class Representatives and related assignors be

required to respond to Wholesaler Defendants' proposed Requests for Production numbers 7, 8, 9, and 11 through 28 (ECF 2426-1) and hereby seek modification of Special Master Order No. 82 to require Plaintiff TPP Class Representatives and related assignors to respond to those Requests for Production and produce previously unproduced relevant responsive documents, identify by Bates number produced responsive documents, and, where appropriate, respond that no relevant responsive documents exist. These objections and this motion to modify Special Master Order No. 82 are made to the Hon. Robert B. Kugler, United States District Judge, pursuant to Rules 53(f) and 34 of the Federal Rules of Civil Procedure, applicable case law, the inherent power of this Court to do justice, and the applicable local rules of this Court.

PLEASE TAKE FURTHER NOTICE that in support of their motion, Wholesaler Defendants shall rely upon the Memorandum of Law in Support submitted herewith, the prior and additional argument of counsel and any reply submissions made hereafter; and

PLEASE TAKE FURTHER NOTICE that a proposed Order is submitted herewith; and

PLEASE TAKE FURTHER NOTICE that oral argument is requested, pursuant to Fed. R. Civ. P. 53(f)(1), if this motion is opposed.

Dated: September 1, 2023

ULMER & BERNE LLP

/s/ Jeffrey D. Geoppinger

Jeffrey D. Geoppinger

*Liaison Counsel for Wholesaler
Defendants*

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on September 1, 2023, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which will send a notice of electronic filing to all CM/ECF participants in this matter.

/s/ Jeffrey D. Geoppinger

Jeffrey D. Geoppinger